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INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE: VIOLENCE AGAINST WOMEN

Report of the Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy

Submitted in accordance with Commission resolution 1997/44

Addendum

Communications to and from Governments

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Introduction

1. At its fifty-fifth session, the Commission on Human Rights, in its resolution 1999/42, requested all Governments to cooperate with and assist the Special Rapporteur in the performance of the tasks and duties mandated, to supply all information requested and to respond to the Special Rapporteur's visits and communications. The Commission, furthermore, welcomed the efforts by the Special Rapporteur to seek information from Governments concerning specific cases of alleged violence in order to identify and investigate situations of violence against women, its causes and consequences, in particular, where appropriate, by sending joint urgent action appeals and communications with other special rapporteurs.

2. The Special Rapporteur has produced a standard reporting form which may be used to document alleged instances of violence against women (see annex). In this connection, it should be emphasized that, in accordance with her mandate, the Special Rapporteur is in a position only to process cases of alleged violence against women which are gender-specific, that is violence or threats of violence directed against women because of their gender. The definition of gender-based violence used by the Special Rapporteur is taken from the United Nations Declaration on the Elimination of Violence against Women, adopted by the General Assembly in its resolution 48/104 of December 1993.

3. The Special Rapporteur wishes to inform the Commission that she has transmitted communications to the Governments of Afghanistan, Australia, Bangladesh, Canada, China, Egypt, Guatemala, India, Indonesia, Israel, Mexico, Myanmar, Pakistan, Turkey, Uganda, the United Kingdom (in respect of Bermuda), Yemen and Yugoslavia. The Special Rapporteur regrets to inform the Commission that only the Governments of Bangladesh, China, Guatemala, Myanmar, Mexico, Pakistan and Turkey replied to her requests for clarification. In addition, the Governments of Bahrain, Peru and Tunisia replied to her request for clarification of cases documented in previous reports (see E/CN.4/1999/68/Add.1 and E/CN.4/1998/54).

4. The Special Rapporteur is very grateful for the information submitted by the Government of Greece, dated 29 May 1999, and the Government of Niger, dated 26 November 1999, pursuant to the note verbale which was sent to Governments in 1998 requesting them to provide the Special Rapporteur with information about initiatives taken with regard to violence against women in the family.

5. By letter dated 10 May 1999, the Government of Spain expressed concern in reference to comments made regarding Spain in the Special Rapporteur's last report (E/CN.4/1999/68, paras.166-169). The Special Rapporteur regrets that, owing to translation difficulties, she did not receive the original submission in its entirety. Thus, important information about specific domestic violence policies, in particular the Plan de Acción Contra la Violencia Doméstica, were not considered in her review of the Government's policies. The Special Rapporteur would like to convey her apology to the Government for her inability to analyse the response of the Government to domestic violence. The Special Rapporteur greatly appreciates the efforts of the Government to clarify its position through the retransmission of its original communication.

6. By letter dated 16 August 1999, the Government of Singapore sought clarification in regard to comments made by the Special Rapporteur regarding Singapore (E/CN.4/1999/68, paras. 67-70). The Special Rapporteur greatly appreciates the efforts made by the Government to clarify its position in this regard, through the submission of additional information.

INFORMATION REVIEWED BY THE SPECIAL RAPPORTEUR WITH RESPECT TO VARIOUS COUNTRIES AND TERRITORIES

Afghanistan

7. On 24 March 1999, the Special Rapporteur transmitted an urgent appeal, in conjunction with the Special Rapporteur on the question of torture, on behalf of Ms. Farzana, a young pregnant woman who was reportedly found guilty of extramarital sexual intercourse. According to information received, she was scheduled to be publicly flogged after she delivered her baby. It is reported that her co-accused, Sayed Sarwar, also found guilty of adultery, was publicly lashed 100 times at the football ground of a school in Kabul.

Australia

8. On 4 February 1999 the Special Rapporteur sent an urgent appeal on behalf of E., a Ukrainian national who was reportedly facing deportation. The Special Rapporteur requested that E. not be deported until such time as her physical security could be ensured in Ukraine.

9. According to information received E. was trafficked to Australia by a network of Russian nationals in 1997 to work as a prostitute. E. was allegedly approached in Ukraine and offered work as a waitress and traditional Ukrainian dancer in a restaurant in Australia. E. entered Australia on 2 January 1997 pursuant to a temporary residence visa which allowed her to remain in Australia until 16 June 1997. Her passport and ticket were taken from her on arrival in St. Kilda, Australia, by her traffickers and she was forced by them to work in a brothel. She was allegedly threatened with death if she tried to escape; furthermore, if she spoke to anyone about the situation when she returned to Ukraine she would be found and punished.

10. It is reported that she managed to escape with the help of undercover police agents and an Australian national. E. reportedly supplied the police with information about her traffickers, by virtue of which a number of parties have been detained, questioned and removed from Australia. E. is currently in hiding. Her relatives in Ukraine are said to have been pressured by means of threats to provide information about her whereabouts.

11. E. fears that the Ukrainian authorities will be unable to provide her with sufficient protection, and on that basis she applied for refugee status in Australia. In E.'s application for a protection visa she stated that she fears persecution by reason of belonging to a particular social group of persons who are, or who face a real chance of becoming victims of mafia gangs or criminal groups operating in her country of origin. The application was initially refused because the basis for her fear is not one recognized by the Convention relating to the Status of Refugees. She was granted a bridging visa pending a review of the decision by the Refugee Review Tribunal (RRT) in February 1999.

12. The RRT reportedly accepted that E. had been brought to Australia and made to work as a prostitute. It found ample evidence to confirm the existence of prostitution rackets based in Eastern Europe, including Ukraine, and that threats to relatives in the country of origin is a documented method of control of women who are the victims of these rackets. The Tribunal found that E. could not rely on the protection of the State in Ukraine and that the future harm to E. would be of a nature and entity as to constitute persecution.

13. The Tribunal discussed whether the Convention grounds of "particular social group" is germane to this case. The Tribunal held that the redefining of the "particular social group" in terms of E.'s own action would be to define the group by the persecution feared. It held that persons must demonstrate that the form of persecution they fear is not a defining characteristic of the "particular social group" of which they claim membership; the group must exist independently of the persecution, and not be defined by the persecution itself.

14. The Tribunal held that if a particular social group whose membership comprises "Ukranian women forced into prostitution" could be contemplated, on the grounds that reports indicate that the forcing of Ukranian women into prostitution is a phenomenon in that country, on E.'s own evidence, the motivation of the infliction of harm would be for reasons other than membership of that group, in this case the fact that E. has reported the activities of her would-be persecutors to the authorities. Thus, the Tribunal found that E.'s fear is covered by the Convention.

15. The Tribunal was not satisfied that E. is a person to whom Australia has protection obligations under the Refugee Convention, as amended by its Protocol. The Tribunal recognized E.'s predicament. They agreed that the treatment which she has endured is a breach of the International Covenant on Civil and Political Rights and article 6 of the Convention on the Elimination of All Forms of Discrimination against Women, which obliges parties to take all appropriate measures to suppress all forms of traffic in women. However, it stated that the Tribunal's role is limited to determining whether the applicant satisfies the criteria for the grant of a protection visa. Consideration of the circumstances of E. on other grounds was said to be a matter solely for the Minister's discretion.

16. On 11 February 1999 the Tribunal decided that it was not satisfied that E. is a refugee, and affirmed the decision not to grant her a protection visa.

17. An appeal was made to the Minister for Immigration and Multicultural Affairs to review the decision to refuse a protection visa (refugee status).

Observations

18. At the time of writing, E.'s case is still pending a decision by the Minister for Immigration and Multicultural Affairs. A Senate committee report is due out early in the new year on this subject. (See the section on immigration laws and policies in E/CN.4/2000/68.)

Bahrain

Follow-up to previously transmitted communications

19. By letter dated 7 September 1998, the Government replied to comments made by the Special Rapporteur in her 1998 report (see E/CN.4/1998/54, para.133). The Government strongly denied the allegations of ill-treatment of the eight individuals concerned.

20. Concerning Na'ima Abbas and Zahra Abdail, the Government indicated that there was no record of either women having been detained.

21. Concerning Muna Habib Al-Sharraki, Zahra Salman Hilal, Iman Salman Hilal, Huda Salih Al-Jallawi, Mariam Ahmed Al Mu'min and Nazir Karimi, the Government confirmed that they had been arrested on 29 February 1996 but were later released without charge, Huda Salih Al-Jallawi in mid-March 1996 and the remaining five on 20 April 1996. None of the women is said to have been arrested or detained since that date.

22. The Government indicated that the women had been arrested as part of investigations into their activities as members of an active Hizbolla cell, at a time of increased terrorist activity in Bahrain. The Government assured the Special Rapporteur that no one is arrested or detained for the lawful exercise of any individual right or freedom; the six women in question were detained for violence or violence-related activities.

23. The Government further indicated that no attempt had been made by or on behalf of any of the six women to take up the domestic legal and administrative remedies available in Bahrain to provide redress for those with grievances of the kind alleged.

24. The Government strongly denied the allegations that the women were held incommunicado, or mistreated in any way. Women arrested or detained are dealt with only by specifically trained female police officers, and are held in a modern, purpose-built women's prison (staffed solely by women), where they are afforded all rights of visitation, representation and medical care strictly in accordance with the law. The Government indicated further that women may not be interviewed other than in the presence of a female officer, and that these safeguards were observed in the case of all six women concerned.

Bangladesh

25. On 12 August 1999 the Special Rapporteur sent an urgent appeal concerning the reported eviction, on 24 July 1999, of hundreds of women and their children from Tanbazar and Nimtoli brothels, in Narayanganj district. It is reported that 267 women were taken involuntarily by police and officials of the Social Welfare Department to government shelters or vagrant homes in Kashimpur and Pubali for rehabilitation. Eyewitnesses claimed that at least 400 women were forcibly taken away and 600 fled during the eviction. Many of the women were allegedly subjected to torture when they refused to have sex with the employees of the vagrant home in Kashimpur. Furthermore, the Special Rapporteur received reports that women in the Tangil brothel have also been threatened with eviction.

26. By letter dated 11 August 1999, the Government informed the Special Rapporteur that the Tanbazar and Nimtoli brothels had over time flourished as breeding grounds for organized crimes. Poor women from rural areas were lured to the city and forced into prostitution. Many of the women were under-age and were in fact children subject to abuse and discrimination. The Government further indicated that the murder of a sex worker in one of the brothels had caused widespread terror among the inhabitants; most of the sex workers fled the houses in panic to different parts of town but 267 were said to have remained in the two brothels. The local people reportedly resented the free movement of the sex workers who fled the brothels, as this was said to be causing a public nuisance. Public protests and demonstrations evolved into a tense situation threatening law and order. With consideration for the safety and security of the sex workers, the Government intervened to rescue the 267 women remaining in the two brothels and took them to the government shelter maintained by the Department of Social Welfare. The Department arranged counselling for them with a view to their possible rehabilitation. The Government has decided that the sex workers would be provided with vocational training and capital. The Government indicated that it has helped to reunite many of the women with their families. In its reply, the Government did not give any information in regard to the allegations that women were subjected to torture/sexual violence by employees of the vagrant home.

Bermuda (United Kingdom)

27. By letter dated 19 December 1999, the Special Rapporteur advised the Government that she had received reports that female inmates are at risk of sexual exploitation in women's prisons in Bermuda. Prison officers are said to enjoy a high level of impunity. Cases of alleged sexual misconduct by male prison officers and cases where female inmates who have become pregnant during incarceration have been forced to have their pregnancies terminated are reportedly not being investigated thoroughly. There is allegedly a lack of care for women with mental illnesses. Furthermore, human rights activists investigating the claims of sexual misconduct in prisons have allegedly been subjected to harassment and are said to be in fear for their safety.

28. The Special Rapporteur advised the Government that she had received information on the following case.

29. Ms. Myha Lewis, aged 19, a British national, was allegedly sexually exploited by prison officers at the Ferry Reach Coeducational Facility in Bermuda on 30 January 1999. It is reported that following the alleged incident Ms. Lewis was repatriated to the United Kingdom to serve the remainder of her sentence at Holloway Prison, London. According to information received, three prison officers were suspended in March 1999 pending a police investigation into the alleged incident. In June 1999 the police investigation concluded that there was insufficient evidence to support the allegation. In September 1999, there was reportedly an internal hearing for the prison officers. Although the investigation is welcomed, concern has been expressed that it may not have been conducted in accordance with the relevant international standards. The final decision regarding the alleged incident, the grounds for the decision and any disciplinary or criminal sanctions imposed will reportedly not be made public.

Observations

30. The Special Rapporteur recognizes that there has been insufficient time for the Government to respond to her letter of 19 December 1999.

Canada

31. On 6 August 1999, the Special Rapporteur sent an urgent appeal on behalf of Ms Janthamanee Wannasri. According to information received, Ms. Wannasri, a Thai national, was trafficked from Thailand to Canada to work as a prostitute. Ms. Wannasri was arrested in May 1998 on prostitution- and immigration-related charges and was detained for four months until she was released on a $5,000 bond and after incurring $4,500 in lawyers' fees. On 2 December 1998, she was rearrested for violating the conditions of her bond (returning to work for her employer) and has allegedly been held in an immigration detention centre in Toronto since December 1998. It is reported that her status as a trafficked person was not taken into consideration during her last three detention hearings, and only the fact that she violated the terms of her release on bond informed the adjudicator's decision to keep her in immigration detention. Concern has been expressed that the lengthy detention has had a detrimental effect on her emotional and physical health.

China

32. On 18 August 1999, the Special Rapporteur, in conjunction with the Chairman-Rapporteur of the Working Group on Arbitrary Detention, sent an urgent appeal on behalf of Ms. Rebiya Kadeer. Ms. Kadeer and two other women were reportedly taken into custody at 7.00 a.m. on 11 August 1999 in front of the Yingdu Hotel in Urumqi, capital of Xinjiang, where they had gone to meet a group of visiting Americans, from the United States Congressional Research Service. The next morning, at 1.30 a.m., two of her sons were also detained in Urumqi. Two other sons of Ms. Kadeer were placed under house arrest in the town of Aksu. Ms. Kadeer's secretary, Kahriman Abdukirim, was also taken into custody. All, except Ms. Kadeer and her son Ablikim Abdiryim, were released on 14 August 1999.

33. Ms. Kadeer and her son are reportedly being held for "providing information to foreigners". Upon her arrest, Ms. Kadeer was found in possession of a piece of paper written in English. Ms. Kadeer speaks no English, and the paper was allegedly a translation of the message about her situation which she was supposed to give to the group of visiting Americans.

34. Ms. Kadeer is married to a United States resident and former political prisoner, Sidik Rouzi, who has been highly critical of China's treatment of Uighurs, the majority Muslim ethnic group in the Xinjiang-Uighur Autonomous Region of north-western China. It is alleged that Ms. Kadeer has suffered police harassment and travel restrictions, including confiscation of her passport, since 1997 in connection with her husband's activities abroad, as well as her own attempts to promote the advancement of Uighur women by forming the "Thousand Mothers Movement" which encourages Uighur women to run their own businesses. It is reported that Ms. Kadeer was briefly held at Tianshan Regional Jail before being transferred to Liudaowan Prison in Urumqi.

Follow-up to previously transmitted communications

35. By letter dated 24 February 1999, the Government responded to a joint urgent appeal sent by the Special Rapporteur and the Social Rapporteurs on the question of torture and freedom of opinion and expression in December 1998 on behalf of two Buddhist nuns, Ms. Ngawang Sandrol and Ms. Ngawang Choezom (see E/CN.4/1999/68/Add.1, para.4). The Government replied that Ms. Ngawang Sandrol had been sentenced in November 1992 by the Lhasa Municipal Intermediate People's Court to three years' imprisonment and stripped of her political rights for one year. Having been admitted to prison she repeatedly engaged in separatist activities. On three separate occasions, in June 1993, June 1996 and October 1998, the Lhasa Municipal Intermediate People's Court added to her sentence, making for a total of 15 years in prison and deprivation of political rights for three years. It was indicated that Ngawang Sandrol is currently serving her sentence at the Tibet Autonomous Region Prison, and is in normal health. The Government indicated that the claim that the two nuns were subjected to sexual violations is untrue. According to the Government, there has not been a demonstration by inmates since the Tibet Autonomous Region Prison was founded, and the incident referred to in the urgent appeal never took place. The Government stated that there is no such person as Ngawang Choesom at the Tibet Autonomous Region Prison.

Egypt

36. By letter dated 6 July 1999, the Special Rapporteur advised the Government that she had received reports that two Coptic Christian women had been kidnapped, forcibly converted to Islam and to marry. The Special Rapporteur advised the Government that she had received information on the following cases.

37. Ms. Theresa Andrawes, aged 22, was allegedly kidnapped from outside her place of work on 2 April 1998. According to information received, the State Security Police (SSI) did not investigate the case, claiming that Ms. Andrawes married Ala'a El Din Salah Tantawi voluntarily. However, Ala'a El Din Salah Tantawi has reportedly been named as one of her kidnappers. It is reported that Ms. Andrawes has not been allowed to meet with her family since the incident, and her father was forced by the police to sign a document stating that he would cease looking for his daughter.

38. Ms. Suhir Shihata Gouda, aged 16, was allegedly kidnapped, forced to convert to Islam and married. Ms. Gouda's family reportedly went to the police for assistance; however, instead of helping to find her, the police beat them. It is reported that Ms. Gouda was able to escape briefly, but was later found by her captors and beaten. She has reportedly attempted suicide at least once because of her situation. Ms. Gouda's family did not give their approval for the marriage and reportedly, as she was under 21, the marriage is illegal without their permission.

Guatemala

39. By letter dated 25 March 1999, the Special Rapporteur, in a joint communication with the Special Rapporteur on extrajudicial, summary or arbitrary executions, advised the Government that she had received information concerning allegations of violence against street children, which are summarized below.

40. On 14 March 1999, three armed men drove into a vacant lot in Zone 2 of Guatemala City, where a group of street children were gathered. The men allegedly started shouting that they were going to kill the children and then began shooting, injuring Hilda Yesina Péréz Alvarez and killing Manuel Estuardo Dávila Juárez.

41. On 25 February 1999 Roxana Abigael Adalf and Juan Carlos López Girón were reportedly approached by two men, one in civilian clothes, the other in the uniform of the Fuerza Especial Policial (Special Police Force), an elite unit within the Policía Nacional Civil (National Civilian Police). The two men allegedly ordered the children to strip naked. Juan Carlos did so but Roxana refused. The two men eventually left without harming the children further. The incident took place in the same park where two other street children were allegedly sexually assaulted.

42. It is reported that at approximately 8 p.m. on 11 February 1999, Lorena Carmen Hernández Carranza and Nery Mateo Hernandez were sleeping in a park on 14th Avenue and 3rd Street in Zone 2 of Guatemala City. A uniformed member of the Fuerza Especial Policial accused them of having mugged and attacked someone with a knife. The policeman allegedly became violent when he was searching the children for weapons: he threw them on the ground and ordered them to take off their clothes. He allegedly sexually abused Lorena and then told the children to get dressed. It is reported that a formal complaint has been made about the incidents. The Special Rapporteurs expressed the hope that the Government would investigate the allegations and take immediate action to bring the alleged perpetrators to trial, in order to comply with its international obligations.

India

43. On 19 June 1998 the Special Rapporteur sent an urgent appeal, in conjunction with the Special Rapporteur on the question of torture and the Special Rapporteur on freedom of opinion and expression, concerning the alleged arrest on 10 June 1998 of approximately 490 persons protesting peacefully against the Maheshwar Dam project in Madhya Pradesh. A number of women are said to have been threatened with being stripped naked in public if they made any further protests.

44. By letter dated 27 April 1999 the Special Rapporteur advised the Government that she had received information on the following cases.

45. According to information received, Ms. Hamida Hussain, aged 25, from Soles Bandipora District, Baramulla, was harassed by Major Oom Nath of the 15th Rajput Regiment, on the pretext of hiding arms and ammunitions for her husband's brother. On 5 November 1998, in the absence of her husband (who had temporarily moved from Bandipora to Srinagar for work), Ms. Hussain was raped by Major Oom Nath. On 14 November 1998, at 11.00 p.m., soldiers came to her house and took her to Major Oom Nath's room, where she was raped four times during the night and only allowed to leave at 4.00 a.m. On 17 November 1998 both Hamida Hussain and her husband were called by Major Oom Nath to the army camp where they were held and questioned all day and only released in the evening. On 22 November 1998 both Mr. and Mrs. Hussain were again called to the army camp. The couple was separated and

Hamida was taken to Major Oom Nath's room where she was again raped four times during the night. Following this incident Mr. and Mrs. Hussain left Bandipora and moved to Srinagar.

46. On 11 December 1998, at 11.00 a.m., six soldiers entered the house of G. Mohammad Bhat, in Malangam Bandipora. They allegedly asked Ms. Rafiqa Bhat, aged 30, for information about her brother who had left the area six years previously. It is reported that as she could not provide them with information about her brother, the soldiers beat her with rifle butts for half an hour, fracturing her leg. It is alleged that a similar incident had occurred eight months earlier.

47. By letter dated 5 July 1999, the Special Rapporteur informed the Government that she had received information concerning Ms. Raja Begum, Ms. Gulshana Bano (her daughter), Ms. Razia and Ms. Shaheena Dano, all allegedly detained and raped by Indian army officers on 15 March 1999. They were reportedly kept in the house of one of the officers until 19 March 1999 when they were released. On 31 May 1999, Ms. Begum and Ms. Bano, from Doda District, Kashmir, were returning from Jammu when they were stopped by soldiers near Reggi Nala. The soldiers allegedly planted two grenades in Ms. Bano's bag, and then arrested her and her father, Mohammad Shafi Wani. It is believed they were targeted in order to pressure the women to withdraw complaints filed against the army officers for the sexual assaults.

48. By letter dated 22 November 1999, sent in conjunction with the Special Rapporteur on the question of torture, the Special Rapporteur advised the Government that she had received a number of individual cases of alleged rape which are summarized below.

49. Ms. Bina Das was reportedly raped and killed by two members of the Border Security Force (BSF) in Thamana on 17 July 1998. She was then allegedly stabbed with a *moida*, a traditional knife used for dressing fish and cutting vegetables. Hearing her screams, neighbours found Bina Das on the floor and before she died she was reportedly able to relate what had occurred. Although her husband reportedly filed a complaint at the Dumuni police outpost, under the Barbari police station, the two BSF men identified were not charged. The husband's family and relatives were detained and allegedly subjected to torture.

50. Ms. Urbashi Rava, Ms. Basavi Rava, Ms. Suni Rava and Ms. Damshri Rava were reportedly raped by Central Reserve Police Force (CRPF) personnel during an army operation in the village of Amlaiguri in Kokrajhar district on 11 January 1997. After the rapes, the victims were warned not to disclose the incidents. Despite protests by various local organizations, no action was reportedly taken to investigate the matter.

51. Ms. Tulumoni Devi was allegedly gang-raped by eight soldiers stationed at the Barapujia army camp on the evening of 24 April 1997 in Kopahera Ghumatigaonin Marigaon district. The soldiers forcibly entered her residence during an operation cordoning off the residence of Bhabananda Choudury, who was detained for questioning about the political activities of his brother, Bul Choudhury, an activist of the United Liberation Front of Assam (ULFA). Ms. Devi was admitted to the district civil hospital and her husband filed a complaint at the Mikirbheta police station. Later, the soldiers reportedly threatened the villagers when they learned that a

case had been filed. Women from 40 local villages held a rally on 27 April and presented a petition to the Deputy Commissioner of Marigaon, demanding a judicial inquiry. No further action has reportedly been taken.

52. Ms. Tarulata Pegu was allegedly raped on 10 May 1997 in the village of Jonai, Dhemaji district, by a group of Indian army personnel in search of ULFA activists. Her husband filed a case at Jonai police station and she was examined at the hospital. Although one defendant was named in the complaint, neither the police nor the civil administration reportedly took any steps in the matter.

53. Ms. Santhali Bodo, aged 17, and Ms. Rangeela, aged 15, were allegedly raped on 21 May 1997 by army personnel from the 16th Rajput Regiment operating in Tamulpar police station area in Nalbari district. The following day they are alleged to have entered the house of Dayaram Rava and raped his daughters, Ms. Runumi, aged 16, and Ms. Thingigi, aged 17. Ms. Samashri, aged 13, Ms. Janthari, aged 14, and Ms. Ambe, aged 13, were allegedly raped in their respective residences. Although a case was filed in the Tamulpur police station, no investigation was reportedly carried out.

54. Ms. Minoti Bala Rai and Ms. Dura Rai, aged 18, were allegedly raped in the village of Kasidoba by CRPF personnel on 23 May 1997. The Indian army and CRPF had reportedly raided the area in search of ULFA militants following an ambush by ULFA in which two CRPF personnel were killed. A group of soldiers allegedly entered the home of Minoti Bala Rai and raped her. Dura Rai was caught while trying to flee the village and taken to the nearby jungle where she was raped until she became unconscious. The police of Bangaigaon police station and the District Administration reportedly refused to register any case.

55. Ms. Mamoni Koch, aged 12, was allegedly raped in the village of Komarchuburi in Sontipur district on 25 May 1997 by two soldiers belonging to the 25th Punjab Regiment stationed at Dhekiajuli Industrial Centre. The soldiers kicked the young girl's grandmother when she tried to help her granddaughter, and then raped the grandmother. The father of the victim made a complaint to the officer-in-charge of the operation. The officer reportedly summoned his regiment and the perpetrators were identified by the victim in his presence and in the presence of the villagers. The father also filed a report at the Dhekiajuli police station. The report was reportedly examined by a Chief Judicial Magistrate.

56. Ms. Jamuna Sargiary was allegedly raped by a CRPF member at her residence in Langhin Goraimari village in Karbi Anglong district on 30 July 1997. The man had entered several residences in search of militants. He allegedly struck Ms. Sargiary's husband in the head and chest, knocking him unconscious, then allegedly raped her. The police reportedly refused to register a complaint made by the victim the following day, allegedly stating that it was then too late.

57. Ms. Dulumaya Tamang and Ms. Sandimaya Tamang, 12-year-old sisters, were allegedly raped by two plainclothes policemen at their home in the village of Jayrampur Saygharia in Dhemaji district on 4 August 1997. The officer at Bordoloni police post allegedly refused to register the complaint and did not take any steps to have a medical examination of the victim. A

group of policemen returned to the house of the family on 28 August and reportedly beat the father for filing a complaint. Sandimaya Tamang was then allegedly raped again. The District Administration has reportedly refused to take action.

58. Ms. Kalpana Das Kakoti was allegedly raped by soldiers of the 13th Field Regiment Commandos in the village of Patasali Bangaon Chariduwar in Sonitpur district. She reportedly lost consciousness as a result of the gang rape. Family members filed a complaint with the Rangapara police station and she was admitted to hospital. She reportedly required seven stitches. She was produced before the Chief Judicial Magistrate, who ordered the recording of her and other villagers' statements. The police alleged that she had been raped by villagers.

59. Ms. Tukheswari Rava was allegedly raped by personnel of the 109th BSF on 14 January 1998 in Mulagon village. The Bangaigaon police station registered a case and the District Administration ordered an inquiry by a magistrate.

60. Ms. Dimola Doimary was allegedly raped by soldiers of No. 2 Madras Regiment in Bhalukmari village in Darrang district on 10 March 1998. A complaint was registered by Udalguri police and her statement recorded by a magistrate, but she was not sent for a medical examination until 18 March 1998.

61. Ms. Anjali Basumatary was also allegedly raped by soldiers of No. 2 Madras Regiment in the same village on 10 March 1998.

62. Ms. Khandi Doimary, Ms. Anita Khakhlary and Ms. Rina Khakhlary were allegedly raped by soldiers of No. 2 Madras Regiment in the village of Sonari Khawang Gaon in Darrang district on 11 March 1998.

63. Ms. Monaishry Doimary was allegedly raped by soldiers of No. 2 Madras Regiment in Bhalukmari village on 14 March 1998. Family members of the victim submitted a memorandum to the district magistrate on 12 March 1998 requesting an investigation, but there has been no information on the progress of the investigation.

64. Ms. Nbiari Doimary was allegedly raped by soldiers of No. 2 Madras Regiment in Hatkhula village, Darrang district, on 14 March 1998. Neighbours reportedly lodged a complaint with the Udalguri police station the next morning and she was sent for a medical examination on 18 March 1999.

65. Ms. Lilawati Baishya was allegedly raped by members of the 313th Field Regiment in the village of Paikarkuchi in Nalbari district on 16 July 1998. Soldiers came to the home of Dharani Baishya, Lilawati's husband, pulled him out of the house and beat him severely along with his small children while two of the soldiers inside the house stripped Lilawati Baishya and tortured her. One of the soldiers allegedly sat on top of her and bit several parts of her naked body. Then the two soldiers raped her repeatedly. As they left, they allegedly warned her not to lodge a complaint.

66. Ms. Bina Baishya was allegedly raped by members of the 313th Field Regiment in the village of Paikarkuchi in Nalbari district on 16 July 1998. The soldiers reportedly warned the family and the victim not to lodge a complaint.

Observations

67. The Special Rapporteur recognizes that there has been insufficient time for the Government to respond to her letter of 22 November 1999.

Indonesia

68. On 19 January 1999, the Special Rapporteur advised the Government that she had received information that harassment and pressure exerted against human rights defenders was continuing. According to reports received Ms. Ita Nadia had received anonymous phone calls accusing her of providing information to the Special Rapporteur during her fact-finding visit to Indonesia in November 1998, and threatening the safety of her children. Ms. Ita Nadia had already reported the incident to her lawyer and the police. The Special Rapporteur expressed her concern and encouraged the Government to take all necessary steps to guarantee the physical safety of all human rights activists and their families.

69. On 21 July 1999, the Special Rapporteur advised the Government that she had received information concerning the detention of 12 East Timorese women by the Besi Merah Putih. According to reports received, Ms. Marta Fatima, Ms. Ivonia Ribeiro, Ms. Virgina Sarmento, Ms. Ermelinda da Conceiçao, Ms. Genobeva (no surname), Ms. Agusta (no surname), Ms. Justina Santa, Ms. Etelvina Ribeiro, Ms. Gracilda Varela and Ms. Teresa Varela were abducted in Liquica province on 17 and 18 May 1999. On 31 May 1999, Ms. Anita Lemos and Ms. Elvira (no surname) were also abducted by the Besi Merah Putih. The 12 women were reportedly being held because their husbands were accused of joining the East Timorese resistance movement. The Besi Merah Putih were reportedly holding the women in the houses of Geraldo Ribeiro and Manuel Soares. The women were allegedly being used as forced labourers and sex slaves. The women had allegedly been threatened with death if they did not divulge the whereabouts of their husbands.

Israel

70. On 10 March 1999, the Special Rapporteur sent a joint urgent appeal, in conjunction with the Special Rapporteur on the question of torture, on behalf of Ms. Munah Hassan Awad Barhasin, a Palestinian woman who had reportedly been arrested on 15 February 1999 and detained at the General Security Service Interrogation Unit of the Kishon Detention Centre where she had allegedly been forced into the shabeh position for long periods. Fears had been expressed that she may be at risk of other forms of torture or ill-treatment. She was reportedly on a hunger strike. At a military hearing held on 2 March 1999, her remand had reportedly been extended for 15 days. It was also reported that as the security services have no specific place for female detainees, she has been forced to share a cell with male Israeli criminal detainees.

71. The Government replied on 17 March 1999 that Munah Hassan Awad Barhasin was released from the Kishon Detention Centre on 14 March 1999. The reply did not provide any information about her alleged ill-treatment while in custody.

Mexico

72. By letter dated 23 November 1999, the Special Rapporteur informed the Government that she had received reports concerning alleged violent executions of women, specifically in Ciudad Juarez, State of Chihuahua. The source affirms that in most of the cases the women were tortured and raped. The Special Rapporteur drew the attention of the Government to the large number of allegations of violence against women that she has received concerning this city in particular, and urged the Government to take the necessary measures to investigate, bring to trial and punish appropriately the perpetrators of these violent acts. She also urged the Government to take effective measures to avoid the recurrence of such violations and to compensate the families of the victims, in accordance with the relevant international norms.

73. The Special Rapporteur advised the Government that she had received a number of individual cases from Ciudad Juarez, which are summarized below.

74. Ms. Celia Guadalupe de la Cruz, aged 13, reportedly disappeared on 13 November 1998 while returning from school. Her body was found on 9 December. The source alleges that she was strangled to death and that her body bore stab wounds on the chest.

75. Ms. Maria Sagrario González Flores, aged 17, reportedly disappeared on 16 April 1998 after leaving work. Her body was found on 30 April in a field in the village of Loma Blanca.

76. Ms. Angelia Irene Salazar Crispin, aged 24, disappeared on 13 March 1998 while on her way to work. Her body is said to have been found on 16 April.

77. Ms. Erendira Ivonne Ponce Hernández, aged 17, was allegedly found dead two weeks after she diappeared. She was last seen leaving work at 5.30 p.m. on 18 August. Her body was said to be heavily bruised, she had received four blows to the head and her skull was fractured in several places. According to the report of the forensic doctor, the cause of death was craneoencephalitic trauma.

78. By letter dated 3 May 1999, the Government responded to cases submitted by the Special Rapporteur on 4 August 1998 (see E/CN.4/1999/68/Add.1, para. 17). Concerning the case of Yol movement anda Castro and Ines Castro in Chiapas, the Government stated that the National Human Rights Commission had found no evidence of the allegation; however, the investigation by the State authorities would continue and any further information that would help to clear up the case would be appreciated.

Observations

79. The Special Rapporteur recognizes that there has been insufficient time for the Government to respond to her letter of 23 November 1999.

Myanmar

80. By letter dated 13 June 1999, the Special Rapporteur advised the Government that she had received credible information that soldiers and officers of the State Peace and Development Council (SPDC) (formerly State Law and Order Restoration Council (SLORC)) systematically use sexual violence to threaten, intimidate and abuse women.

81. The Special Rapporteur transmitted information concerning the alleged use of rape and sexual violence by police and intelligence officers in order to extract information from women in detention. The Special Rapporteur also transmitted information on the practice of forced portering, whereby military forces arbitrarily detain women for the purpose of forcing them to undertake manual labour. Labour involves, inter alia, cooking, cleaning, digging ditches, building bridges and roads, and carrying heavy loads. The women are allegedly beaten if they are unable to work or tire, and are often left behind in the jungle when they become unconscious from beatings, fatigue and food deprivation. The Special Rapporteur has also received information that women and girls have been abducted by government soldiers and subjected to forced marriages.

82. By the same letter, the Special Rapporteur transmitted information she had received concerning individual cases, which are summarized below.

83. Naw May Oo Paw was forced to flee Kaw Za village because of fighting in April 1997. SLORC was reportedly collecting taxes and porters in her village. She was forced to pay the soldiers with rice and other food. A lottery system was reportedly established in the village to determine who would be forced to work as porters for the soldiers.

84. SLORC soldiers reportedly captured the wives of Bo Pha Palaw Pho and Bo Kyaw Hair, two Karen National Union leaders, and forced them to work as porters. They allegedly became unconscious because they were forced to carry extra-heavy loads, and were left behind in the jungle.

85. Nam Nu was reportedly arrested and taken to the police station for interrogation by Military Intelligence (MI) officers. She was allegedly punched in the face, beaten with batons, and forced to squat on a stone floor for hours. She reportedly made a false statement of confession to end the abuse. Nam Nu has identified her abusers as Captain Kyaw Kyaw Thu, Captain Kyaw Win, U Tun Shein, U Han Nyunt, Thet Khin Soe, quartermaster Myint OO, Khin Soe and Thet Naing from MI 27, in Loikaw. Nam Nu reportedly could not afford an attorney for the hearing. She was sentenced and spent approximately one year in Loikaw prison, where reportedly she was subjected to various forms of ill-treatment, including sexual violence.

86. Mugha Lwee Paw was reportedly arrested in March 1997 by the Democratic Karen Buddhist Association (DKBA) Battalion 333. They allegedly accused her of joining the Karen resistance, which she denied. The battalion commander, Bo Kyaw Kyaw, and the second in command, Tha Lone, questioned Mugha Lwee Paw and said that she had been seen talking to a Karen National Liberation Army officer, Bo Kyaw. She denied the accusation and said that she had not seen the aforementioned person. She was allegedly beaten, in the presence of her

children, with a bamboo branch that had husks. In April 1997, she was again arrested and held for eight days by Ther Heh and Bo Than Htun. They allegedly tied her up "like a ball", so that she could neither sit nor stand, for one and a half days.

87. On 30 July 1999, the Special Rapporteur sent a communication pursuant to her mandate, and further to the joint communication (dated 28 July 1999) sent by the Special Rapporteur on the question of torture and the Special Rapporteur on the right to freedom of opinion and expression, the Special Rapporteur communicated information concerning Ma Khin Khin Leh, one of the 19 individuals arrested between 19 and 24 July 1999 in Pegu, central Myanmar. According to information received, most of the individuals were detained on suspicion of planning a march on 19 July to commemorate the fifty-second anniversary of the assassination of General Aung San.

88. It is reported that local Military Intelligence (MI) arrested Ma Khin Khin Leh and her daughter Thaint Wunna Khin (3 years old) when they could not find her husband, Kyaw Wunna. They allegedly also arrested six other members of Kyaw Wunna's family on 23 July 1999. The local MI branch is believed to be interrogating her and fears were expressed that she was at risk of torture and other forms of ill-treatment. The Special Rapporteur communicated her concern and expressed the hope that the Government would investigate the allegations, and ensure in all circumstances respect for basic human rights, in order to comply with its international obligations.

89. By letter dated 11 August 1999, the Government indicated that the allegations that some individuals, including a 3-year-old girl, had been arrested and detained in Bago for their involvement in a plan to march on 19 July were untrue. Some individuals had been called in by the authorities for questioning in Bago in July 1999 in connection with the discovery of pamphlets printed by the all Burma Students' Democratic Fund (ABSDF), an armed terrorist group calling for civil unrest at the residence of the person named Kyaw Wunna and in some other places, as well as for their involvement with the outlawed terrorist group. The Government assured the Special Rapporteurs that there are no grounds for concern that these persons will face any form of ill-treatment while being questioned by the authorities as torture and other forms of ill-treatment are prohibited by relevant laws in Myanmar and the authorities concerned scrupulously adhere to the provisions and related rules and regulations.

Observations

90. The Special Rapporteur notes that the Special Rapporteur on the question of torture, by letter dated 29 September 1998, transmitted eight individual cases of alleged sexual violence against women to the Government (see E/CN.4/1999/61, paras. 506-523). The Special Rapporteur regrets that no clarification has been received in response to his request.

Pakistan

91. By letter dated 22 April 1999, the Special Rapporteur informed the Government that she had received information on the following case.

92. On 6 April 1999, Ms. Saima Sarwar (age 29) was killed by a gunman hired by her family. The incident occurred in the law offices of Asma Jahangir, United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions, and her sister Hina Jilani, a human rights advocate, in Lahore, Pakistan. Saima Sarwar allegedly was killed for seeking a divorce from her husband, thereby tarnishing the family's honour.

93. It is reported that Saima Sarwar, who lived in Peshawar with her parents for four years after leaving her husband, fled to Lahore after her family threatened to kill her if she tried to divorce her husband. She was given shelter at Dastak, an organization run by the legal aid team headed by Hina Jilani and Asma Jahangir.

94. Saima Sarwar's family reportedly said that they were prepared to accept her divorce and she agreed to meet her mother (but no other members of the family) in Ms. Jilani's office so that they could give her the appropriate papers. Her mother did not come alone as agreed, and before the meeting began, a man with her allegedly drew a pistol and shot Saima Sarwar. She died instantly. Hina Jilani was also fired at but was not injured. The gunman was shot dead by a security guard. A colleague, Shahtaj Qisalbash, was abducted by the perpetrators but eventually released.

95. It is alleged that specific legal provisions which reduce punishment for actions supposedly caused by "grave and sudden provocation" and the Qisas and Diyat law, which allows the legal heirs of the victim to forgive the offender, have facilitated honour crimes going virtually unpunished in Pakistan.

96. By the same letter, the Special Rapporteur informed the Government that she had received information that members of the Peshawar Chamber of Commerce, of which the victim's father is chairman, and local ulema (Islamic scholars) have publicly stated that the honour killing was in accordance with religious and tribal traditions. They have accused Asma Jahangir and Hina Jilani of "misguiding women". Declaring them kafirs (infidels), they have issued a fatwa (religious edict) calling on believers to kill the two women.

97. By letter dated 22 April 1999, the Government indicated that they had provided a guard detail for the protection of Ms. Jahangir and her colleagues. No reference was made in the Government's letter to the case of Ms. Sarwar.

98. On 24 May 1999 the Special Rapporteur sent a joint urgent appeal, with the Special Rapporteur on freedom of opinion and expression, to the Government concerning the climate of harassment of and pressure exerted against human rights defenders which was said to be increasing in Pakistan, reportedly most intensely in Punjab. The Special Rapporteur expressed particular concern about the threats, harassment and vilification campaign which was allegedly targeting women's organizations and journalists.

99. It is alleged that in a press statement issued on 14 May 1999, the Punjab Social Welfare Minister attacked the Human Rights Commission of Pakistan (HRCP), the Shirkat Gah organization and the Ajoka theatre group, accusing them of spreading vulgarity and obscenity in the name of human rights. It is reported that the Minister further claimed that because non-governmental organizations receive funding from outside Pakistan, they serve foreign

masters and "vested interests". The allegation of anti-State activities reportedly emanates from the participation of a Shirkat Gah representative in a British Council seminar on violence against women. It is reported that the seminar was also attended by Ms. Nasreen Parvez of the Department of Social Welfare and Women's Development in Sindh, who cautioned the Shirkat Gah representative not to make statements that might be construed as being anti-Government.

100. Shirkat Gah is one of the 35 organizations that form the Joint Action Committee for People's Rights (JAC) which for over a year has led human rights campaigns. It is alleged that many of these groups are currently being visited and questioned by members of the government intelligence agency.

101. It is reported that on 10 May 1999, 1,941 organizations operating under the Voluntary Social Welfare Agencies (Registration and Control) Ordinance of 1961 were de-registered. At least one of them was de-registered reportedly for failing to inform the Directorate of a change in address. The media and journalists are being threatened, attacked and arrested. On 12 May 1999, an urgent action was sent on behalf of Najam Sethi the editor of a local English-language newspaper, who was taken for questioning on 8 May 1999 at 2.30 a.m. by police and allegedly physically abused; his wife, Jugnoo Mohsin, was also allegedly physically abused and locked in the bathroom.

102. The Special Rapporteurs communicated their extreme concern and expressed the hope that the Government would investigate the allegations and ensure that adequate measures are taken to guarantee the physical safety of all human rights defenders and journalists, in order to comply with its international obligations.

Peru

103. By letter dated 21 December 1999, the Special Rapporteur, in conjunction with the Special Rapporteur on the question of torture, advised the Government that she had received information concerning Ms. María Concepción Pincheira Sáez, a Chilean national, and a number of other women detained at Yanamayo prison, Peru.

104. According to information received, on 5 August 1999, approximately 30 members of the Special Forces of the Peruvian National Police entered the women's block in Yanamayo prison, where María Concepción Pincheira Sáez was being held with other political prisoners. The police officers interrogated her about an interview she had given to various Chilean media on 21 June 1999. The officers allegedly beat her, kicked her viciously, seriously damaging her eyesight, squirted tear gas in her mouth, and inserted a sharp object into her vagina causing serious haemorrhaging. The police officers are said to have also subjected other women prisoners to harsh ill-treatment. They were allegedly beaten, insulted and threatened to prevent them from reporting the incident. It is alleged that Ms. Pincheira Sáez and the other prisoners did not receive medical attention following the incident. They were reportedly held incommunicado and systematically subjected to cruel, inhumane and degrading treatment.

Observations

105. The Special Rapporteur recognizes that there has been insufficient time for the Government to respond to her letter of 21 December 1999.

Follow-up to previously transmitted communications

106. By letter dated 13 August 1999, the Government responded to a letter from the Special Rapporteur sent on 9 November 1998 regarding the harassment of human rights defenders (see E/CN.4/1999/68/Add.1, paras. 19-20). Concerning Ms. Giulia Tamayo Léon, the Government indicated that the 40th Provincial Procurator's Office took up the case on 25 November 1998 and ordered a police investigation. On 20 July 1999, a decision was made to close the file on the investigation provisionally, as it had been impossible to identify the perpetrators of the act, without prejudice to the issuing of an order for the continuation of investigations aimed at identifying and/or finding the offenders. In its reply the Government did not give any information on the three other individuals who were mentioned in the same letter.

Trinidad and Tobago

Follow-up to previously transmitted communications

Observations

107. Further to a communication sent last year (see E/CN.4/1999/68/Add.1, paras. 38-41), the Special Rapporteur is pleased to report that Ms. Indravani Ramjattan, who was sentenced to death in 1995 for being involved in the killing of her husband in 1991, will now serve five years on a reduced count of manslaughter. The decision came after two appeals to the Privy Council. Psychiatrist Dr. Nigel Eastman (United Kingdom) reported that Ms. Ramjattan was suffering from diminished responsibility at the time of the killing. The Chief Justice acknowledged that Ms. Ramjattan had been tormented by her husband.

Tunisia

Follow-up to previously transmitted communications

108. By letter dated 8 January 1999, the Government responded to the joint communication sent in conjunction with the Special Rapporteur on the question of torture, concerning the cases of Ms. Jallila Jalleti, Ms. Zohra Saadallah, Ms. Monia Daikh, Ms. Naziha Ben Aissa and Ms. Radhia Aouididi sent on 30 September 1998 (see E/CN.4/1999/68/Add.1, paras. 43-48).

109. Concerning the cases of Ms. Jallila Jalleti, Ms. Zohra Saadallah, Ms. Monia Daikh, and Ms. Naziha Ben Aissa, the Government indicated that contrary to what had been alleged, the women had not been harassed, tortured or sexually abused. Further, their failure to file an official complaint with the appropriate judicial and administrative authorities proves the false nature of the allegations.

110. Concerning the case of Ms. Radhia Aouididi, the Government responded that she had been arrested on 9 November 1996 at Tunis-Carthage international airport while preparing to board a plane for Germany. The customs control revealed that she was using a Belgian passport which bore the photograph and identity details of a Moroccan woman. On page 13, the passport had an entry stamp for Tunisia, bearing the date 6 November 1966, that was clearly false as it did not resemble the stamps in use. Advised of these facts, the Tunis prosecutor opened an inquiry. The investigation revealed that a member of the secret movement "Ennahda" had given Ms. Aouididi the passport. On 16 November an arrest warrant was issued against Ms. Aouididi by the First Examining Magistrate of the First Instance Court of Tunis, accusing her of participating in an attempt to commit violence against persons and property.

111. On 26 May 1998, Ms. Aouididi was sentenced by the Criminal Chamber of the Court of Appeal of Tunis to three years' imprisonment for involvement in an attempt to cause harm to persons and property in order to create an atmosphere of terror and intimidation, three months for complicity in forging a passport, three months for complicity in using a falsified document and five years of administrative surveillance. It was stressed that the allegation of torture, sexual abuse and harassment concerning Ms. Aouididi had no basis in fact. The Government held that Ms. Aouididi is serving her sentence at the civil prison of Manouba under normal conditions in accordance with the prison regulations and receives visits from family members.

112. By letter dated 19 February 1999, the Government responded to the urgent appeal sent by the Special Rapporteur on 30 July 1998 concerning Ms. Radhia Nasroui (see E/CN.4/1999/Add.1, para. 42). The Government indicated that Ms. Ousseima Nasroui (Radhia Nasroui's daughter) was not being pursued or harassed by the police or a judicial authority. The Government held that she is being prosecuted because of her involvement in a matter of common law and was not called in or interrogated by the security services.

Observations

113. While she welcomes the Government's replies, the Special Rapporteur remains concerned as she continues to receive credible reports, from various sources, that Ms. Nasroui and her daughter are subjected to constant harassment because of her human rights activities.

Turkey

114. By letter dated 23 November 1999, sent in conjunction with the Special Rapporteur on the question of torture, the Special Rapporteur advised the Government that she had received information on the following case.

115. Ms. Fatma Deniz Polattaÿ, a 19-year-old Kurdish girl, and her 16-year-old friend were reportedly arrested in Iskenderun in the province of Hatay, on 8 and 5 March 1999 respectively. Both are said to have been taken to the Anti-Terror Branch of the police headquarters in Iskenderun where they were detained for five and seven days, respectively. According to the information received, they were blindfolded, prevented from sleeping and going to the toilet, denied water and food, and forced to listen to loud music and to drink spoiled milk. The police allegedly forced them to strip and stay naked, and told them to stand in exhausting positions for

long periods of time. They are also said to have been routinely insulted and threatened. The 16-year-old girl was allegedly exposed to verbal and sexual harassment, continually beaten on her genitals, buttocks, breast, head, back and legs, forced to sit on a wet floor for a long time and roll naked in water, and suspended from the arms and exposed to pressurized cold water. Ms. Fatma Deniz Polattaÿ was allegedly subjected to the same treatment and to anal rape. She was reportedly told by the police officer that even a doctor would not be able to prove that she had been raped. A formal complaint is said to have been lodged against the police officers and in November an investigation was opened. The two girls have reportedly been sentenced to long prison terms after being charged with membership of the Kurdistan Workers' Party (PKK) and taking part in a violent demonstration against the arrest of PKK leader Abdullah Öcalan. The two girls reportedly claim that their convictions are based on statements extracted under torture, yet they remain in prison pending the decision of the Appeal Court. While in detention, the girls are said to have undergone several medical examinations, including a virginity test which is said to be traumatic, by different doctors. None of the doctors reported signs of violence. A later report by the Turkish Medical Association describes medical symptoms which match the girls' testimonies of sexual torture.

116. By letter dated 15 December 1999, the Government responded to an urgent appeal sent by the Special Rapporteur in November 1999 on behalf of Ms. Fatma Deniz Polattaÿ(s) and Ms. Nazime Ceren Salmanoglu. The Government indicated that Ms. Polattaÿs and Ms. Salmanoglu were among those demonstrating in Iskenderun against the detention of Abdullah Öcalan. It was established that they were both involved in the use of explosives and in setting a bus on fire on 21 February 1999. On 5 March they were found among those delivering illegal documents on behalf of the PKK. The Government confirmed that the two young women were among eight people who were detained between 5 and 8 March 1999. Following their interrogation they were arrested and detained by the judicial authorities and imprisoned on 12 March 1999. Ms. Salmanoglu and Ms. Polattaÿs were sentenced to 8 years and 4 months' and 12 years and 6 months' imprisonment, respectively. The Government confirmed that Ms. Salmanoglu and Ms. Polattaÿs were both subjected to medical controls before, during and after their detention periods. Each medical control included a virginity test. The results of the controls reveal that they were neither subjected to torture nor any other ill-treatment, including vaginal or anal rape. The Government indicated that Ms. Samanoglu met twice with her parents at the office of the Director of Security, where she was held. The Government indicated that upon the lodging of the complaint by her lawyer that Ms. Polattaÿs was subjected to torture and anal rape, she was sent to the State Hospital of Iskenderun for further examinations. The report affirmed that she was not raped. On the basis of these reports the public prosecutor reached the decision that no indictable offence had been committed; however, the case was transferred to the district head office on 14 June 1999 for further investigation. During this investigation, Ms. Polattaÿs herself denied that she had been tortured and raped. The cases are pending at the State Security Court of Adana, and both women have been transferred from Iskenderun prison to the "Kürkcüler" prison in Adana.

Uganda

117. By letter dated 22 July 1999, the Special Rapporteur advised the Government that she had received information concerning the case of Ms. Margaret Arach, aged 27, from Gulu district in northern Uganda.

118. Ms. Arach reportedly married Mr. Livingston Sikuku in 1997. It is reported that Mr. Sikuku abused Ms. Arach severely, to the point of causing a miscarriage. The abuse allegedly caused her to leave her job, and eventually to leave Mr. Sikuku and move back to her mother's house.

119. According to information received, the police and local council have not provided Ms. Arach with sufficient assistance. It is reported that the police did not investigate the case seriously but rather implied that Ms. Arach was having an affair and sent the case to the local council. The local council allegedly told Ms. Arach to return to her husband and settle their family problems.

120. In September 1998, Mr. Sikuku allegedly entered Ms. Arach's mother's house and stabbed Ms. Arach's mother and sister. Both later died at Lacor Hospital. Mr. Sikuku then turned himself in to the authorities. According to information received, Mr. Sikuku has not been charged, and although he remains in police custody, he now denies having committed the murders. There is concern that Mr. Sikuku may try to bribe the police clerk. Ms. Arach is deeply concerned that if Mr. Sikuku is released from prison he will kill her. She contacted the legal aid clinic, which reportedly has not taken any action. The Special Rapporteur appealed to the Government to take all necessary measures to guarantee the right of women to be free from gender-based violence, discrimination and abuse, in order to comply with its international obligations.

Yemen

121. By letter dated 17 November 1999, the Special Rapporteur, in conjunction with the Chairman-Rapporteur of the Working Group on Arbitrary Detention, informed the Government that she had received information concerning alleged gender-based discrimination and abuse of women in detention. According to reports, women are regularly detained beyond the end of their sentences until such time as a male relative decides to collect them from prison. This requirement could reportedly condemn women to life imprisonment. Women reportedly receive longer punishments than men, especially when they are charged with "moral" crimes such as zina (adultery or fornication under Yemeni law) or khilwa. Khilwa is not specifically mentioned in the New Penal Code, although it is defined in the draft penal code in force in the former Yemeni Arab Republic, as "the unjustified meeting between an adult male and an adult female who are not close relatives". There is evidence that men and women are still detained and punished for this offence.

122. According to reports, in January 1992, a couple were sentenced to 100 lashes each for khilwa. The man was released immediately after the lashes, but the woman was held an additional three months until her brother came to collect her.

123. Many women who have completed their sentences are reportedly currently detained in Yemeni prisons. A 16-year-old woman is allegedly being held in Ta'iz prison more than a year after she was supposed to be released. She was sentenced to flogging for zina, and according to her sentence was to be released immediately afterwards.

124. Information received indicates that women have been given sentences which are longer than allowed under Yemeni law. A 19-year-old woman was allegedly sentenced to three years' imprisonment for zina by the Sabr court in Ta'iz. The maximum penalty for zina for an unmarried person is said to be one year. The 19-year-old is allegedly still being detained in Ta'iz, almost four years after her sentencing. A 17-year-old woman is also reportedly being detained in Ta'iz prison following her arrest three years ago for zina, and allegedly has not yet been sentenced.

125. There are also reports of women who are detained for engaging in behaviour that is considered improper, but which may not fit within a clear legal definition. A woman who left her abusive husband is allegedly still detained in Ta'iz prison since her arrest in July 1998. She was allegedly arrested for sleeping in the house of another man. It is not clear what criminal offence she has committed and she has not yet been charged. The Special Rapporteur expressed the hope that every effort would be made to investigate the alleged incidents. The Government was requested to ensure the individuals' rights not to be subjected to gender-based discrimination and arbitrary detention would be respected.

Observations

126. The Special Rapporteur recognizes that there has been insufficient time for the Government to respond to her letter of 17 November 1999.

Yugoslavia

127. By letter dated 5 May 1999, the Special Rapporteur communicated her concerns in regard to information received concerning multiple cases of sexual slavery. On 21 April 1999, security forces allegedly surrounded the village of Dragacin, in Suva Reka municipality. It is reported that most of the men had already left the village, but between 200 and 300 women (including 50 women from the nearby villages of Mujlan and Dujle, as well as 11 elderly men), remained. The security forces reportedly gathered the entire group in a field, where they searched and then separated the 11 elderly men from the women. It is alleged that none of the men has been seen since.

128. The security forces reportedly divided the women randomly into three private houses in the village (the houses of Shahin T., Avdi T. and Halil T.), where they were held for three days. It is alleged that during this time, the women were repeatedly threatened and sexually harassed. They were allegedly forced to cook and clean for the security forces. It is also alleged that some of the women were raped.

129. According to information received, one such case involved a woman who was sexually abused on two occasions, during one of which she was raped. At approximately 4 p.m. on her second day of captivity, she was reportedly "chosen" from among a large group of women by a man in a green camouflage uniform. The man allegedly took her to a house and raped her. It is reported that the following day another man forced her to go with him to a different house. According to information received, the house was full of members of the security forces who interrogated her about her husband and asked her for money. When she told them that she did not have any, they ordered her to take off her clothes. After she took off her clothes, the men

allegedly approached her one by one as she stood before them naked. It is reported that she was made to lie on a bed with one of the officers, who was also nude. He reportedly touched her breasts but did not force her to touch him. It is reported that the commander reclined on a bed about 10 feet away from where the victim and the man were lying. After about 10 minutes, the other soldiers reportedly returned to the room and, still nude, the woman was forced to serve them coffee. She was then ordered to put her clothes back on and clean up, and finally to return to the house and the other women.

130. According to reports received another woman was taken by security forces, from the house where she was being held to another building. There she was placed in a room and forced to take off her clothes. It is reported that one after the other, five members of the security forces entered the room to look at her body and she was allegedly raped by one of the men whilst the other four men watched.

131. According to reports received, on 24 April 1999, all of the women in Dragacin were forced by government security forces to walk to the nearby village of Dujle, where they were held in the local school for two days without food or water. On 26 April 1999, they were taken in two buses to the village of Zhur, where they were forced to walk across the border into Albania. It is reported that rapes also occurred between 24 and 26 April. The perpetrators wore green camouflage and blue camouflage uniforms and the incidents were allegedly a joint operation by the Serbian special police and the Yugoslav army. Some of the perpetrators allegedly also wore black ski masks.

132. Medical staff at the camp in Kukes where the refugees from Dragacin were living saw a number of women who reported that they had been raped, many of whom showed obvious signs of severe emotional distress.

133. By letter dated 26 July 1999, the Special Rapporteur advised the Government that she had received information concerning Dr. Flora Brovina, a founder of the League of Albanian Women. According to reports, Dr. Brovina, a Kosovar Albanian, was arrested by Serb forces in Kosovo on 20 April 1999 and subjected to torture in Lipljan prison, near Pristina. Dr. Brovina was moved to Pozharezc prison, in Serbia, in June 1999. It is reported that Dr. Brovina, a paediatrician, was arrested because of her involvement with the National Women's Organization League, which provides humanitarian assistance to women and children in Kosovo. Dr. Brovina is reportedly in very poor health and is partially paralysed. The Special Rapporteur requested that the International Committee of the Red Cross be allowed to visit Dr. Brovina in prison.

Observations

134. On 9 December 1999, Flora Brovina was sentenced to 12 years in prison by a Serbian court. She was found guilty on charges of "conspiring to commit hostile acts" and "terrorism" aimed at the secession of Kosovo from Serbia and Yugoslavia and that she was involved in the establishment of Kosovo Liberation Army military hospitals when Yugoslavia was in a "state of war". Dr Brovina is said to have denied all the charges.

Annex

CONFIDENTIAL
VIOLENCE AGAINST WOMEN
INFORMATION FORM

INFORMER: *the name and address of the person organization submitting the information will remain confidential. Please also mention whether we can contact you for additional information, and if so by what means.*

Name of person/organization: _____

_____

Address: _____

Fax/tel/e-mail: _____

VICTIM(S): *information about the victim(s) including full name, age, sex, residence, professional and/or other activities related to the alleged violation, and any other information helpful in identifying a person (such as passport or identity card number). Please mention whether the victim is willing for the case to be transmitted to the Government concerned.*

Name: _____

Address: _____

Date of birth: _____

Nationality: _____

Sex: _____

Occupation: _____

Ethnic background, religious, social group (if relevant): _____

THE INCIDENT: *including dates, place, and the harm suffered or to be prevented. If your submission concerns a law or policy rather than a specific incident, summarize the law or policy and the effects of its implementation on women's human rights. Include information about the alleged perpetrators: their names (if known), any relationship they may have to the victims and/or to the Government, and an explanation of the reasons why you believe they are the perpetrators. If you submit information about violations committed by private individuals or groups (rather than government officials), include any information which might indicate that the Government failed to exercise due diligence to prevent, investigate, punish, and ensure compensation for the violations. Include information about the steps taken by the victims or their families to obtain remedies including complaints filed with the police, other officials or independent national human rights institutions. If no complaints have been filed, explain why not. Include information about steps taken by officials to investigate the alleged violation (or threatened violation) and to prevent similar acts in the future. If a complaint has been filed,*

include information about the action taken by the authorities, the status of the investigation at the time the communication is submitted, and/or how the results of the investigation are inadequate.

Date: _____ Time: _____ Location/country: _____

Number of assailants: _____ Are the assailant(s) known to the victim? _____

Name of assailant(s): _____

Does the victim have a relationship with the assailant(s)? If so what is the nature of the relationship? _____

Description of the assailant(s) (include any identifying features): _____

_____

DESCRIPTION OF THE INCIDENT: _____

_____

_____

_____

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_____

Does the victim believe she was specifically targeted because of gender? _____ If yes, why?

_____

Has the incident been reported to the relevant State authorities? _____ If so, which authorities and when? _____

_____

Have the authorities taken any action after the incident? _____

If so, which authorities? _____

What action? _____

_____

When? _____

WITNESSES: Were there any witnesses? _____

Name/age/relationship/contact address: _____

Please bring to the attention of the Special Rapporteur any information which becomes available after you have submitted this form. For example, please inform the Special Rapporteur if your human rights concern has been adequately addressed, or a final outcome has been determined in an investigation or trial, or an action which was planned or threatened has been carried out.

PLEASE RETURN TO
THE SPECIAL RAPPORTEUR ON VIOLENCE AGAINST WOMEN
OHCHR-UNOG, 1211 GENEVA 10, SWITZERLAND
(Fax: 00 41 22 917 9006, e-mail: csaunders.hchr@unog.ch)